THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

W.P.No. 33679 of 1998

Dated: 06.07.2007

Between:

Kovvada Suryanarayana.

..Petitioner.

And

Executive Officer, Vemagiri Gram Panchayat, Vemagiri, Kadiam Mandal,E.G. District and another.

..Respondents.

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

W.P.No. 33679 of 1998

ORDER:

The grievance of the petitioner is that he is in possession and enjoyment of the property in question since 1961, but the respondents without any authority whatsoever are trying to dispossess him.

The respondents filed counter affidavit stating that 2nd respondent has not taken any action to carry out the eviction of the petitioner from the property in question, but he evicted the other persons from the encroached lands, after following due process of law.

The contention of the learned counsel for the petitioner that the property in question is in the possession and enjoyment of the petitioner right from 1961 cannot be disputed. As per the counter-affidavit, the respondents have not taken any action to carry out eviction of the petitioner from the property in question. Even if it is accepted that he is an encroacher of the land in question, the authorities have to follow certain procedure provided under law.

So long as the authorities do not initiate any action under the relevant law, the said dispossession can definitely be said to be without any authority whatsoever.

Having regard to the facts and circumstances of the case, the respondents are hereby directed not to dispossess the petitioner from the property in question without following due process of law.

Accordingly, the Writ Petition is disposed of. No costs.

GOPALAKRISHNA TAMADA, J

Dated:06.07.2007

sj